

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DONNA FRANKLIN, Plaintiff, v. RED HOT & BLUE RESTAURANTS, INC., Defendant.	CIVIL ACTION NO. 1:12-cv-01067 (TSE/JFA)
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JOINT DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f) and this Court's Order of November 28, 2012 (the "Court's Order"), Plaintiff Donna Franklin and Defendant Red Hot & Blue Restaurants, Inc., by and through their respective counsel, submit the following Joint Discovery Plan:

1. Meeting. Counsel for the parties conferred on Friday, December 7, 2012 to consider the claims, defenses, and possibilities of a prompt settlement or resolution of this case, to arrange for disclosures under Fed. R. Civ. P. 26(a)(1), and to develop this Joint Discovery Plan.

2. Initial Disclosures. The parties will provide initial disclosures under Fed. R. Civ. P. 26(a)(1) on or before January 28, 2012.

3. Expert Disclosures: The parties propose that expert designations and discovery be conducted in accordance with Fed. R. Civ. P. 26(a)(2) and Local Rule 26(D). Therefore, expert discovery shall be conducted according to the following schedule:

- a. Plaintiff's Fed. R. Civ. P. 26(a)(2)(B) Disclosures: January 14, 2013;
- b. Defendant's Fed. R. Civ. P. 26(a)(2)(B) Disclosures: February 13, 2013;
- c. Any Rebuttal Disclosures: February 28, 2013; and

d. Completion of Expert Discovery: March 15, 2013.

4. Discovery.

a. The scope of discovery will be limited to those topics permissible under Fed. R. Civ. P. 26(b).

b. The parties will complete discovery on or before March 15, 2013 pursuant to the Court's Order.

c. The parties agree with the limitation on the number of interrogatories set forth in the Court's Order.

d. The parties believe that they may need to exceed the limitation on the number of depositions set forth in the Court's Order. Should a party determine that additional depositions are needed, the parties will confer in good faith to try to reach an agreement on the issue and will advise the Court as appropriate.

e. The parties will respond to discovery in compliance with the applicable procedural rules. Objections to discovery will be conducted pursuant to Local Rule 26(C).

f. Any party who receives documents from a third-party pursuant to a subpoena will re-produce those documents to the other party within ten (10) business days. Where re-production of documents within ten business days is not possible, the party who received the documents will provide prompt notice to the other party and the issue will be resolved on a case-by-case basis.

g. Other than the discovery issues addressed elsewhere in this Joint Discovery Plan, the parties do not currently anticipate needing to modify the discovery limitations provided by the Federal Rules of Civil Procedure and/or Local Rules.

5. Electronically Stored Information. The parties have discussed the production of electronically stored information and agree that electronically stored information and documents may be produced in either electronic or printed form, unless electronic form is specifically requested in relation to particular requests and the information can be reasonably obtained. Documents produced in electronic form shall be produced in either single page TIFF or PDF format. The parties agree to confer in good faith for an alternative method of production if TIFF or PDF is unreasonably cumbersome or expensive. The parties preserve all rights under Rule 26(b)(2)(C).

6. Protective Order. The parties anticipate that a Protective Order will be necessary in this matter to protect the confidentiality of the personal information of the Plaintiff, as well as the confidential business and personnel records of Defendant. The parties will confer on such a Protective Order, which will include procedures for asserting claims of privilege or protection, and submit an appropriate motion and proposed order to the Court in accordance with the Local Rules of this Court.

7. Trial Before Magistrate Judge. The parties do not consent to trial before a Magistrate Judge.

8. Electronic Service. The parties agree to accept service of all pleadings and discovery requests as attachments to e-mails. For purposes of calculating response deadlines, any e-mailed document will be treated as having been sent via regular mail.

9. Settlement. The parties are contemplating the potential resolution of this matter. The parties believe that, at some point in the future, a settlement conference with the Magistrate Judge may be helpful and will notify the Court and request such conference if desired.

10. Jury Demand. A jury trial has been demanded by Plaintiff.

<p><u>/s/ Randy C. Sparks, Jr.</u> Randy C. Sparks, Jr. (VSB No. 40723) KAUFMAN & CANOLES, P.C. Two James Center 1021 East Cary Street, Suite 1400 Richmond, VA 23219 Telephone: (804) 771-5709 Facsimile: (804) 771-5777 E-mail: rcsparks@kaufcan.com</p> <p>Attorney for Defendant</p>	<p><u>/s/ Bernadette F. Armand</u> Victor M. Glasberg (VSB No. 16184) Bernadette F. Armand (VSB No. 81332) VICTOR M. GLASBERG \$ ASSOCIATES 121 S. Columbia Street Alexandria, VA 22314 Telephone: (703) 684-1100 Facsimile: (703) 684-1104 E-mail: bfa@robinhoodesq.com</p> <p>Attorneys for Plaintiff</p>
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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 2012, a true copy of the foregoing JOINT DISCOVERY PLAN was electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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